

VZCZCXRO6434
PP RUEHPB
DE RUEHSV #0060/01 0431705
ZNY CCCCC ZZH
P 121705Z FEB 08
FM AMEMBASSY SUVA
TO RUEHC/SECSTATE WASHDC PRIORITY 0366
INFO RUEHBY/AMEMBASSY CANBERRA 1944
RUEHNE/AMEMBASSY NEW DELHI 0124
RUEHPB/AMEMBASSY PORT MORESBY 1472
RUEHWL/AMEMBASSY WELLINGTON 0047
RUEHNZ/AMCONSUL AUCKLAND 0591
RUEHCG/AMCONSUL CHENNAI 0001
RUEHDN/AMCONSUL SYDNEY 1006
RHHMUNA/HQ USPACOM HONOLULU HI
RHHJJAA/JICPAC HONOLULU HI

C O N F I D E N T I A L SECTION 01 OF 02 SUVA 000060

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E.O. 12958: DECL: 02/13/2018

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SUBJECT: FIJI UPDATE: BAINIMARAMA TO INDIA; CJ FATIAKI
TRIBUNAL BEGINS; MORE JUDICIARY TROUBLES; IWOC WINNER
PRESSURED

REF: SUVA 040

Classified By: Amb. Dinger. Sec. 1.4 (B,D).

Summary

11. (C) Fiji interim Prime Minister Bainimarama departed Suva today for medical consultations in India. His departure suggests he does not consider current dissent within the military to be overly threatening. The interim government (IG) tribunal created to consider allegations against suspended Chief Justice Fatiaki re-convened today. Fatiaki did not appear. The legitimacy of the IG's Fiji Court of Appeals (FCA) has come under attack, including by Fiji's International Women of Courage award winner Virisila Buadromo, who is to receive her award in Washington in early March. Three FCA justices called Buadromo in for a dressing-down, but the media event appeared an indictment of the FCA itself. The Fiji Law Society president has reaffirmed that the FLS does not consider IG-appointed judges to be legitimate. End summary.

Bainimarama to India for a week: medical consultation

12. (C) As foreseen reftel, interim PM Bainimarama departed today, Feb. 13, on a week-long medical trip to New Delhi, India. Bainimarama was accompanied by his wife and his military physician, Dr. Senilagakali. The Indian High Commissioner has informed us that high-level meetings with the Indian Government are unlikely, since the PM, Foreign Minister, and Defense Minister are all away from New Delhi. Bainimarama reportedly plans to visit Agra (the Taj Mahal) and Chennai, where a number of military-affiliated Fijians go for medical care. Comment: Bainimarama has a history of blood-pressure/heart issues. He used to consult specialists in New Zealand, before the GNZ imposed visa sanctions following the Dec. 2006 coup. Rumors have circulated in Suva of discontent within the military. It would appear that Bainimarama must not take such rumors seriously. If he were truly concerned, he would not be likely to take a trip abroad at this time. That said, destabilizing pressures remain at play, particularly within the ethnic-Fijian community.

Tribunal convenes in Chief Justice Fatiaki case

13. (SBU) The tribunal established by the interim government (IG) to hear the case against Chief Justice Fatiaki re-convened Feb. 13 in Suva. The three international judges led by a retired Aussie clearly had expected Fatiaki to

appear, but his lawyers kept him away, pending adjudication of their request to receive documents that have so far been denied them. The initial IG explanation for suspending Fatiaki in January 2007 was that he had wrongfully provided advice to Fiji's political leadership during the constitutional crisis that surrounded a coup in 2000. In the end, most of the charges laid relate to tax-evasion allegations. Critics, including in the media, have suggested a double standard: Fatiaki is being tried on tax charges; but the IG flatly refuses to investigate allegations that a senior IG minister (Finance Minister Chaudhry) engaged in tax evasion on a far larger scale over several recent years.

Judicial troubles mount

14. (SBU) As noted reftel, the International Bar Association announced its intention to have a team visit Fiji next week to take a look at the judiciary. Interim Attorney General Sayed-Khaiyum said thanks but no thanks. Last we heard it appeared the IBA was still intending to come. In the meantime, more illustrations of judiciary problems have arisen. The Fiji Court of Appeal (FCA) began its February session with a ceremony accenting the new-look FCA's diversity. Past appeals courts, drawn from abroad, tended to be white and male. The IG's FCA, drawn entirely from the IG's trial-court judges, includes two women and a Fijian. The Fiji Law Society (FLS) failed to show up for the ceremony, igniting a flurry of media accusations. The FLS has announced it does not accept the legitimacy of the IG's judge-selection process since the coup, including the legitimacy of several of the FCA members. The interim AG and the controversial Ombudsman/Fiji Human Rights Commission Director, Shaista Shameem, are not amused.

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Attempt to stifle criticism by IWOC winner Buadromo

15. (SBU) On Feb. 12, three members of the FCA called Fiji's International Women of Courage award winner, Virisila Buadromo, and the editor of the Fiji Sun newspaper before the court for a tongue-lashing. Justices Shameem, Scutt, and Goundar criticized the two for making allegedly erroneous media statements about the legality of the current FCA, among other issues. Buadromo, who is due to visit Washington in early March to receive her IWOC award, brought along her lawyer, who challenged the right of the judges to haul people in, absent a cause of action before the court.

Comment

16. (C) The IG and its judicial backers deeply resent public criticism of their legitimacy and motives. It appears to us that the efforts by the judges, the interim AG, and Shaista Shameem to defend themselves are only digging the current judiciary into a deeper hole.

DINGER